

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: CARLTON SPICER, III

(Case No. 11371)

A hearing was held after due notice on April 7, 2014. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a special use exception to place a manufactured home type structure for medical hardship.

Findings of Fact

The Board found that the Applicant was seeking a special use exception to place a manufactured home type structure for a medical hardship. This application pertains to certain real property located southeast of Route 9 (County Seat Highway) 3,000 feet northeast of Route 13 (Sussex Highway); said property being identified as Sussex County Tax Map Parcel Number 2-32-12.00-97.00. After a hearing, the Board made the following findings of fact:

1. The Board found that the Office of Planning & Zoning received no letters regarding to the Application.
2. Betty Spicer was sworn in to testify about the Application.
3. The Board found that Ms. Spicer testified that she plans to place a manufactured home on her son's property.
4. The Board found that Ms. Spicer testified that she suffers from diabetes, an autoimmune disease, and Parkinson's disease which affect her balance and over time will worsen.
5. The Board found that Ms. Spicer testified that her medical condition affects her joints and limit her movement.
6. The Board found that Ms. Spicer testified that she plans to sell her larger home and downsize to a single wide manufactured home.
7. The Board found that Ms. Spicer testified that she can no longer care for a large home and needs a caregiver nearby.
8. The Board found that Ms. Spicer testified that her husband works full time which leaves her home alone.
9. The Board found that Ms. Spicer testified that her son would be able to help care for her while her husband is away.
10. The Board found that Ms. Spicer testified that the manufactured home would be located behind her son's home.
11. The Board found that Ms. Spicer testified that she has not yet purchased a manufactured home but she plans to purchase a manufactured home that is not more than five (5) years old.
12. The Board found that Ms. Spicer testified that the use will not substantially adversely affect the surrounding and adjacent neighboring properties.
13. The Board found that Ms. Spicer testified that there are other manufactured homes in the area.
14. The Board found that no parties appeared in support of or in opposition to the Application.
15. Based on the findings above and the testimony presented at the public hearing, the Board determined that the application met the standards for granting a special use exception because the use does not substantially affect adversely the uses of adjacent or neighboring properties. The Applicant has also demonstrated that a medical hardship exists. The special use exception application was approved for a period of two (2) years.

The Board granted the special use exception application for a period of two (2) years finding that it met the standard for granting a special use exception.

Decision of the Board

Upon motion duly made and seconded, the special use exception application was approved for a period of two (2) years. The Board Members in favor were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Board Members voted against the Motion to approve the special use exception application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY



Dale Callaway
Chairman

If the use is not established within one (1) year from the date below the application becomes void.

A placement permit must be obtained before the manufactured home is placed on the property.

Date May 6, 2014